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The Moral of the Hungarian Status Law Saga

Abstract. The present paper deals with the debate about the fiercely disputed Hungarian Status Law and its amendments. The Law was destined to grant a special status to ethnic Hungarians living the beyond the borders of Hungary. The paper contains a brief comparison of the mainly Central and Eastern European laws, through which states grant special rights to their kin-minorities. The international debate about the Hungarian Status Law is also covered by the paper. Even though several states grant special status to the members of their kin-minorities the enactment of the Hungarian Status Law triggered a surprisingly fierce debate. It is submitted that although in some details the law might have run counter certain public international law principles, the reaction to the law was mainly backed by emotional arguments and hence the whole controversy could not go beyond the level of symbols. The paper also deals with the 2003 amendment of the Law, which was enacted according to the objections raised by the neighbouring countries. The paper is an attempt to show the futility of the whole Status Law debate: it is submitted that although the 2003 amendment did not go into the very substance of the provisions of the Law at large, it did satisfy these claims by simply changing the phraseology of the Law.

Keywords: discrimination based on ethnic origin, kin-state regulation of minorities, extraterritoriality, minority law, minority protection, status law

I. Introduction

One of the fiercest foreign policy debates within the Carpathian Basin was the controversy related to the so-called Hungarian Status Law.¹ Namely, the Hungarian government enacted a legislation granting special entitlements to ethnic Hungarians living in the neighbouring countries. The Law was blamed, *inter alia*, for having extraterritorial effect and being discriminatory. Following numerous negotiations and mediations held by international institutions, the Status Law was amended and brought in conformity with these political claims.²

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¹ Act No. LXII of 2001 on Hungarians living in neighbouring countries. *International Legal Materials* (2001) 1242.

² Act No. LVII of 2003 amending Act No. LXII of 2001 on Hungarians living in neighbouring countries.

The significance of the above is twofold. First, after the foreign policy dispute calmed down and the application of the Status Law has earned some experience it is worth to draw some conclusions and to find the moral of the whole controversy. Second, although the foreign policy dispute is over, the issue is far from losing its significance. On December 5, 2004 a referendum was held in Hungary on whether non-citizen ethnic Hungarians should be granted Hungarian citizenship, i.e. should ethnic Hungarians of foreign citizenship acquire Hungarian citizenship automatically but upon request without requiring some years of permanent residence in Hungary. Although the referendum—due to the low level of participation—failed, a slight majority of the citizens who expressed their wills opted for granting citizenship to the kin-minorities. Even though the Hungarian society is divided regarding the above issue, it must be observed that there is political support for a strong policy towards Hungarian minorities living abroad.

In this paper I try to show the futility of the debate about the Status Law, which could not touch on any relevant points of the issue. Some neighbouring countries felt that the Status Law is the legislative annexation to Hungary of their citizens of Hungarian origin what is unintelligible given the fact that the Law did not create a previously unknown legal regime and some of the neighbouring countries have roughly similar laws.³ This might be explicable with the fact that Hungarians represent a considerable proportion of the population in these countries.⁴ Hence, in the first part of this paper I deal with the general features of the status laws and the issues they normally cover. Such a comparative perspective is of utmost importance as the Status Law saga was not the first legislation of this kind. Several states preceded Hungary in enacting laws on their kin-minorities. Second, I analyze the Hungarian Status Law, especially those parts of it that triggered fierce objection. Finally, I examine the international instruments dealing with the status laws.

³ Stewart, M.: *The Hungarian Status Law. A new European form of Transnational politics?* WPTC-02-09. London, 2002. 15–16.

⁴ Note that approximately every fourth Hungarian is living beyond the borders of Hungary. Approximately 1,5 million ethnic Hungarians are living in Romania (census of 2002), 522 thousand in Slovakia (census of 2001), 150 thousand in Ukraine (census of 2001), 300 thousand in Serbia-Montenegro (estimations of the Yugoslav Federal Office of Statistics for the year 2001). See Halász, I.–Majtényi, B.–Vizi, B.: *A New Regime of Minority Protection? Preferential Treatment of Kin-minorities under National and International Law*. In: Kántor, Z.–Majtényi, B.–Ieda, O.–Vizi, B.–Halász, I. (ed.): *The Hungarian Status Law: Nation Building and/or Minority Protection*. 21st Century COE Program Slavic Eurasian Studies, 2004. 349.

2. Status Laws in Europe

Several states have a certain permanent policy towards their kin-minorities. A lot of them, however, have not adopted any legislation in this regard and their actions consist mainly of administrative programs or practice, e.g. Germany.⁵ A considerable part of those that have a special law for this purpose provided this law with vague phrases defining only some program settings and priorities. There are, however, several laws that grant a special status for their kin-minorities which encompasses the enjoyment of particular entitlements. The most important issues in this respect are the following: who can gain such a status, how and what kind of certificates are issued for that end and what entitlements does the special status embrace?

The most important condition of such a special status is the requirement of belonging to a particular kin-minority group, i.e. being of certain ethnic origin. For instance, the Bulgarian act requires Bulgarian ancestors and national conscience.⁶ The Slovak act speaks only about Slovak ethnic origin and linguistic-cultural conscience.⁷ The Austrian act requires that the person demanding the special status be born in South Tyrol and have declared himself as a member of the German language minority. If he/she was not born in South Tyrol, it is required that at least one of his/her parents be a native German speaker.⁸ The Greek law also covers the relatives of ethnic Greeks.⁹

Almost all laws require a constitutive act of the kin-state in order to gain the special status. However, the Austrian act covers Germans in South Tyrol *ex lege*.¹⁰ The Bulgarian act provides for a hybrid solution. It prescribes that Bulgarian origin may be proven through documents issued by Bulgarian or

⁵ Gyertyánfy, A.: A határon túli németek jogállása a magyar Schengen-probléma tükrében (The legal status of the Germans beyond the borders in the light of the Hungarian Schengen-problem), *Regio* 11 (2000) 140. See Halász–Majtényi–Vizi: *op. cit.* 335.

⁶ See Article 2 of the Law on the Bulgarians living outside the Republic of Bulgaria *State Gazette* (2000) 30.

⁷ See Article 2 (2)–(3) and (6) of Act No 70 of February 14, 1997 on Expatriate Slovaks and changing and complementing some laws. (1997) <http://www.gszs.sk/zakon70en.php> January 23, 2005.

⁸ See Article 1 of the Federal Law of 25 January 1979 on the equation of South Tyroleans with Austrian citizens in certain administrative areas. *Bundesgesetzblatt* (1979) 57.

⁹ See Article 1 (2) of the Joint Ministerial Decision no. 4000/3/10/e of the Ministers of the Interior, of Defence, of Foreign Affairs, of Labor and of Public Order of 15–29 April 1998 on the Conditions, Duration and Procedure for the delivery of a Special Identity Card to Albanian citizens of Greek origin.

¹⁰ *Ibid.* Article 1.

foreign state institutions, accredited organizations and the Bulgarian Orthodox Church.¹¹

The certificate issued for this purpose varies from country to country. Most of them are issued only for the purpose of the enjoyment of the entitlements and they do not replace the identity card or the passport of the state of citizenship.¹² An exception is the Greek law that prescribes that the certificate is a special identity card.¹³ Generally, the certificates are issued by the administrative organs of the kin-states including diplomatic and consular missions. The involvement of civil institutions in this process is not generally accepted but there are some exceptions. Regarding Bulgaria, the certificate may be actually issued by the Bulgarian Orthodox Church. The existence of Greek origin was previously investigated by the Greek Association of North Epiros. Now this function is fulfilled by Greek consulates.¹⁴ The Slovak law prescribes that Slovak origin and national conscience are to be proven through public deeds, however, if that is not possible, the applicant is allowed to submit the certification of the kin-organization of his place of residence or the certification of two Slovaks living in the same country as the applicant.¹⁵

The gist of the special status granted to the members of kin-minorities relies in the bundle of rights it contains. These rights or entitlements are to be divided into three groups: migration rights or visa, cultural and economic rights. Almost all laws deal with the issue of visa and residence permit. Some of them facilitate the acquisition of these permissions (Bulgaria¹⁶); some other laws provide that the certificate is itself a visa (Austria,¹⁷ Slovakia¹⁸) or a residence permit (Greece¹⁹).

The spectrum of cultural and educational rights embraces the right to access the scientific and cultural life of the kin-state, the right to be admitted to the state education system, the right to be an ordinary member of the respective national academy of science etc.²⁰ Virtually all laws provide that

¹¹ See Bulgarian law, *op. cit.* Article 3.

¹² See Article 3 (1)–(2) of the Federal Law on the State policy of the Russian Federation in respect of the compatriots abroad (1999).

¹³ See Greek Regulation, *op. cit.* Article 1.

¹⁴ *Ibid.* Article 2.

¹⁵ See Slovak law, *op. cit.* Article 2(4)–(5) and (7).

¹⁶ See Bulgarian law, *op. cit.* Article 7 and 15.

¹⁷ See Austrian law, *op. cit.* Article 5.

¹⁸ See Slovak law, *op. cit.* Article 5.

¹⁹ See Greek Regulation, *op. cit.* Article 3.

²⁰ See Russian law, *op. cit.* Article 17; Bulgarian law, *op. cit.* Article 9–10; Slovak law, *op. cit.* Article 6.

members of kin-minorities shall be entitled to access the education system of the kin-state, differences lie, though, in the level of education they provide access to. The Bulgarian act provides that ethnic Bulgarians shall have unrestricted access to primary and secondary schools, while regarding universities according to the quotas specified by the government, annually.²¹ In Russia, Slovakia and Austria the members of kin-minorities are admitted unrestrictedly to all levels of education.²² The Bulgarian and Romanian laws prescribe the provision of scholarships to persons studying in their kin-state.²³

Some laws provide certain economic and financial rights, as well. The most important of these is the acquisition of a work permit. The Greek and Slovak certificates substitute the work permit, thus their holders are entitled to work in Greece and Slovakia, respectively, without any further formality.²⁴ The Bulgarian law provides for an expeditious procedure.²⁵ Other entitlements encompass, *inter alia*, discounts for public transportation for retired persons,²⁶ acquisition of real estates according to special provisions²⁷ etc.

3. The Hungarian Status Law

The Hungarian Status Law applies to persons declaring themselves to be of Hungarian ethnic origin.²⁸ According to the original version of the Law, the Hungarian certificates were issued by Hungarian state institutions, however, the law provided that these authorities shall issue the certificate “if the applicant is in possession of a recommendation which has been issued by a recommending organization representing the Hungarian national community in the neighbouring country concerned, and being recognized by the Government of the Republic of Hungary as a recommending organization.”²⁹

²¹ See Bulgarian law, *op. cit.* Article 9–10.

²² See Russian law, *op. cit.* Article 17 (6); Slovak law, *op. cit.* Article 6 (1)(a); Austrian law, *op. cit.* Article 4 (3).

²³ See Bulgarian law, *op. cit.* Article 10 (3); Article 7 and 9 of the Law regarding the support granted to the Romanian communities from all over the world (1998) *Monitorul Oficial al României*, 124.

²⁴ See Greek Regulation, *op. cit.* Article 3; Slovak law, *op. cit.* Article 6 (1)(b).

²⁵ See Bulgarian law, *op. cit.* Article 7.

²⁶ See Slovak law, *op. cit.* Article 6 (3).

²⁷ See *ibid.* Article 6 (2).

²⁸ See Hungarian Status Law, *op. cit.* Article 1 (1).

²⁹ See Hungarian Status Law, *op. cit.* Article 20 (1).

The Hungarian Status Law lacks several of the rights ordinarily provided by the laws of the same kind. It does not substitute for a visa or a residence permit, nor does it facilitate the issuance of them. However, it provides for entitlements beyond the above. For example, an ethnic Hungarian bringing up at least two children of minor age in his/her own household is entitled to educational assistance for each of his/her children if the child attended an education institution according to his/her age and received training or education in Hungarian. Finally, the original version of the Hungarian Law provided that “work permits shall be issued under the general provisions on the authorization of employment of foreign nationals in Hungary, with the exception that the work permit can be issued for a maximum of three months per calendar year without the prior assessment of the situation in the labour market”.³⁰ Namely, the Hungarian authority was required to assess the situation in the labour market prior to issuing a work permit to a foreign citizen. The Law eliminated this requirement; however, all other conditions were to be fulfilled by Hungarian applicants.

In 2003, the Law was profoundly amended due to the vehement opposition of some of the neighbouring countries.³¹ The amending act mainly followed the legal position of the relevant international institutions.

4. Public International Law Evaluation and the Amendments to the Hungarian Status Law

The rules of public international law regarding status laws were interpreted by several international institutions. However, most of these declarations were rather foreign policy documents worrying about the stability of the region than real legal analyses, advising further deliberations and supporting any solution that may be agreed by all the interested parties.³² There were, nonetheless, some documents of legal interest. The most important of these is the

³⁰ See Hungarian Status Law, *op. cit.* Article 15.

³¹ The 2003 Amendment of the Hungarian Status Law, *op. cit.*

³² See Warner, E.: Unilateral preferences granted to foreign national minorities by a kin-state: a case-study of Hungary’s “status law”, *Georgetown Journal of International Law* 35 (2004) 379, 430.

Report of the Venice Commission.³³ Less significant, but still important, is the resolution of the Council of Europe and its *travaux préparatoire*.³⁴

These legal opinions did not question the legal basis of the status laws; nonetheless, they criticized some points of the Hungarian Law, which were later on amended according to these remarks. The respective resolution of the Council of Europe even welcomed, in principle, the “assistance given by kin-states to their kin-minorities in other states in order to help these kin-minorities to (sic!) preserve their cultural, linguistic and ethnic identity”.³⁵ The main objection against the Law was its allegedly unilateral approach, which was criticized by the neighbouring countries.³⁶ However, the resolution objected to the phraseology of the Law in one regard: it found that “there is a feeling that in [the] neighbouring countries the definition of the concept of ‘nation’ in the preamble to the law could under certain circumstances be interpreted—though this interpretation is not correct—as non-acceptance of the state borders which divide the members of the ‘nation’, notwithstanding the fact that Hungary has ratified several multi- and bilateral instruments containing the principle of respect for the territorial integrity of states, in particular the basic treaties which have entered into force between Hungary and Romania and Slovakia.” As a consequence, Hungary banished this expression from the Law.³⁷ Notwithstanding the disputed linguistic meaning of the word “nation”, i.e. whether it is the natural equivalent of territorial demands or not, this objection seems to be much more artificial than real. By the same token, this phrase had no practical effects and it was only a legerdemain with words. The Hungarian government did not insist on this expression and amended the law,

³³ [http://www.venice.coe.int/docs/2001/CDL-INF\(2001\)019-e.asp](http://www.venice.coe.int/docs/2001/CDL-INF(2001)019-e.asp)

³⁴ See Resolution 1335 (2003). Preferential treatment of national minorities by the kin-state: the case of the Hungarian Law on Hungarians Living in Neighboring Countries (“Magyars”) of 19 June 2001 <http://assembly.coe.int/Documents/AdoptedText/TA03/ERES1335.htm> January 23, 2005; Report of the Committee on Legal Affairs and Human Rights. Rapporteur: Mr Erik Jurgens, Netherlands, Socialist Group. Doc. 9744 rev. May 13, 2003. See <http://assembly.coe.int/Documents/WorkingDocs/doc03/EDOC9744.htm> (February 20, 2005); Opinion of the Political Affairs Committee. Rapporteur: Mr Latchezar Toshev, Bulgaria, Group of the European People’s Party. Doc. 9813. May 22, 2003. See <http://assembly.coe.int/Documents/WorkingDocs/doc03/EDOC9813.htm> (February 20, 2005).

³⁵ See art 1 of Resolution 1335 (2003). Preferential treatment of national minorities by the kin-state: the case of the Hungarian Law on Hungarians Living in Neighboring Countries („Magyars”) of 19 June 2001. See <http://assembly.coe.int/Documents/AdoptedText/TA03/ERES1335.htm> January 23, 2005.

³⁶ *Ibid.* Article 9.

³⁷ Halász–Majtényi–Vizi: *op. cit.* at 338.

accordingly. However, the question still emerges: how can an expression with no normative meaning included into a Hungarian law—stating that ethnic Hungarians are part of the Hungarian nation—violate the sovereignty of other states?³⁸

Another objection of similar nature and psychology was that Hungarian certificates founded a public law or political relationship between their holders and Hungary. The Venice Commission, reacting to this criticism, held that “an administrative document issued by the kin-State may only certify the entitlement of its bearer to the benefits provided for under the applicable laws and regulations”. It is not a surprise that in its conclusions the Commission used a positive definition in this regard, i.e. “may only certify”, instead of a negative one, i.e. “shall not”, since the concept of a unilateral act creating a political or public law relationship with foreign citizens has no sense at all. The relationship between the state and the foreign citizen consists in the rights and entitlements secured by the law; so the certificate can be objected only if the rights embodied into it can be criticized. The objections seem to originate better from the chronic fear of secession than from any actual legally meaningful rule. The consequence of this fierce protest was that a phrase was inserted into the Law declaring expressly that the certificates served only for administrative purposes and nothing more. This makes no actual difference, since the certificates were not susceptible of proving anything more than the entitlements to the benefits and they were not susceptible of identifying their holders, either.³⁹ That was the wisest reaction, though it is worth emphasizing that the Greek certificate is manifestly an identity card and the Slovak one is confusingly similar to the Slovak ID.⁴⁰

One of the main objections against the Hungarian Status Law, especially the issuance of the certificates concerned, was that they were to be provided upon the recommendation of an accredited organization of the kin-minority in the country concerned. The Venice Commission found that this is a quasi-official function and “no quasi-official function may be assigned by a State to non-governmental associations registered in another State. Any form of certification *in situ* should be obtained through the consular authorities within the limits of

³⁸ See Stewart: *op. cit.* at 25–26.

³⁹ See Warner: *op. cit.* at 422.

⁴⁰ Memorandum: Legal Analysis of the Slovak Republic’s Comments to the Amendments to the Law on Hungarians Living in Neighbouring Countries. Center for Legal Analyses-Kalligram Foundation. 2002. (http://kbdesign.sk/cla/projects/project.php?melyik=comparative_statuslaw&nyelv=en&direkturl=comparative_statuslaw/cla_analYSIS/cla_memorandum_on_status_law.htm)

their commonly accepted attributions”. Even though the involvement of local minority organizations is not new in this field, the Venice Commission held that contrary to the Bulgarian and Slovak laws, the Hungarian law does not define the criteria of Hungarian origin, thus the civil organization empowered to issue the recommendation has actually unlimited discretion in this respect. The Commission held that “the laws or regulations in question should preferably list the exact criteria for falling within their scope of application. Associations could provide information concerning these criteria in the absence of formal supporting documents.” This reasoning, or rather this comparison, is far from convincing.

First, “the recommending organizations would not have had any authority to take any action that would be binding on the Hungarian government, nor would they have acted on instructions from the Hungarian government. Recommending organizations would not have had the authority to award Certificates, confer benefits under the Status Law, or interpret its provisions”.⁴¹ Second, the terms of the laws used by the Venice Commission as reference define their addressees using vague terms that cannot be considered to have any palpable meaning. E.g. a person has Slovak ethnic origin if he/she is an ethnic Slovak or he/she has a Slovak ancestor up to the third generation,⁴² the Bulgarian law covers persons having at least one Bulgarian ancestor and Bulgarian national conscience.⁴³ Even if accepting that these laws establish clear-cut rules, e.g. ancestors of certain origin, they do not define the content of the notions they refer to. How do we conclude that somebody, i.e. the relevant ancestor, had certain ethnic origin? At the end of the day, these definitions give a *carte blanche* to civil institutions, too. Both definitions, similarly to the Hungarian one, contain open, indefinable terms. Furthermore, one should not forget, the Bulgarian civil organizations do, *de facto*, issue the certificates in question, which is much more an official function than the issuance of recommendations. Of course, the right of the civil organizations to issue recommendations can be criticized from a legal protection point of view, since applicants have no legal remedy if the issuance of the recommendation is refused.⁴⁴ This is, however, another issue. All in all, there seems to be no striking difference between the Hungarian legislation, on the one hand, and the Bulgarian and Slovak laws, on the other.

⁴¹ Warner: *op. cit.* at 415.

⁴² See Slovak law, *op. cit.* Article 2 (2)–(3) and (6).

⁴³ See Bulgarian law, *op. cit.* Article 2.

⁴⁴ Küpper, H.: Hungary’s Controversial Status Law. In: Kántor–Majtényi–Jeda–Vizi–Halász (ed.): *The Hungarian Status Law... op. cit.* 319.

Regarding the specific entitlements, two of them raised special opposition in the neighbouring countries. First, the positive discrimination with regard to the issuance of work permits in Hungary, which became irrelevant in the direction of those countries that became members of the European Union on May 1, 2004. Second, the assistance or support paid to parents in case their children studied in Hungarian.

The first issue was criticized on the basis of discrimination. The Venice Commission held that discrimination is not *per se* illegal, though it has to have reasonable grounds. Concerning cultural and educational rights, the discrimination on the basis of ethnic origin is justified through the targeted legitimate purpose, whilst economic rights cannot be justified with the same end, i.e. positive discrimination may be acceptable, if it is employed to achieve the end of preservation of national and cultural identity. “Preferential treatment can not be granted in fields other than education and culture, save in exceptional cases and if it is shown to pursue a legitimate aim and to be proportionate to that aim.” However, a state may have several reasons to prefer persons of certain ethnic origin when issuing a work permit. If these people speak the official language, it is easier for them to contact the labour administration, they do not only have better perspectives of social integration, they even do not have to be integrated. The population of Hungary is diminishing year by year and there are considerable job vacancies in particular professions; hence, Hungary has a real interest in importing labour force and it is reasonable that it prefers ethnic Hungarians (for the language and social reasons mentioned above). It should not make a difference concerning the legal fate of the regulation whether it is included into a status law or in the labour law. What is more, preferential treatment in this regard is far from unknown. Bulgaria provides it; in Slovakia and Greece the addressees of the laws do not need a work permit and do not have to comply with any formalities.⁴⁵

In relation to the second issue, the main objection against parental support was that it was to be paid directly to the parents, which made it extraterritorial. Now the parental support, in accordance with the respective bilateral agreements, is mostly paid through the civil organizations of the kin-minority.⁴⁶ The reaction of the states concerned suggests that they consider this practice of indirect

⁴⁵ Bulgarian law, *op. cit.* Article 7; Slovak law, *op. cit.* Article 6 (1)(b); Greek Regulation, *op. cit.* Article 3. See Halász–Majtényi–Vizi: *op. cit.* at 341.

⁴⁶ See The 2003 Amendment of the Hungarian Status Law, *op. cit.* Article 21; Gyertyánfy: *op. cit.* at 347.

payment acceptable from a public international law point of view. At the end, does it make a difference?⁴⁷

As regards the objections to the parental support it cannot be disregarded that “the principle of extraterritoriality is clearly limited to the situation of a state exercising its laws and powers on the territory of another state. Awarding a prize, a scholarship or financial assistance for the study of a country’s language or culture does not involve any application of a law or power on the territory of another state”.⁴⁸ “The Status Law does not assert any right to regulate or proscribe the conduct or behaviour of kin-minorities; the benefits under the Status Law are entirely optional. A more appropriate way of looking at the relationships established by the Status Law would be to view them as essentially contractual in nature, the result of acceptance by a qualified beneficiary of a conditional offer made by the government of Hungary, rather than as an exercise of governmental authority.”⁴⁹

5. Conclusions

The moral of the whole saga is nothing less than the complete failure of minority protection in national as well as in international law, which is the result of the obsolete concepts of national state and the political actors’ incapability of dealing with the merits of the problem instead of struggling on the level of symbols. “Many of the arguments made against the Status Law were more political and emotional rather than legal in nature, and also somewhat disingenuous, coming from states that have adopted similar laws with respect to their own kin-minorities.”⁵⁰ It is not welcomed that states feel forced to have recourse to such unilateral instruments in order to protect their kin-minorities. If there were a workable minority protection regime, there would be no domestic political support for such status laws. States are not ethnically neutral and this raises serious problems in countries where the population is not ethnically

⁴⁷ See Küpper: *op. cit.* at 324.

⁴⁸ De Varennes, F.: An Analysis of the ‘Act on Hungarians Living in Neighbouring Countries’ and the Validity of Measures Protecting and Promoting the Culture and Identity of Minorities Outside Hungary. In: Kántor–Majtényi–Ieda–Vizi–Halász (ed.): *The Hungarian Status Law... op. cit.* 414; See Varga, A.: Legislative Aspects and Political Excuses: Hungarian–Romanian Disagreements on the ‘Act on Hungarians Living in Neighbouring Countries’. In: Kántor–Majtényi–Ieda–Vizi–Halász (ed.): *The Hungarian Status Law... op. cit.* 469.

⁴⁹ See Warner: *op. cit.* at 416.

⁵⁰ *Ibid.* at 431.

homogeneous. For instance, the number and proportion of Hungarians in the neighbouring countries is constantly declining,⁵¹ the playing of the Hungarian card always holds out success in the neighbouring countries etc.

Furthermore, the reflexes the neighbouring countries had to the enactment of the Hungarian Status Law are alarming, which, by the way, were absent in case of other laws. Especially the pedantry with regard to the terminology of the law was surprising and tragicomic, e.g. nation in cultural or ethnic sense, or even as a tool of hidden irredentism; certificates that create political and public law relationship with Hungary and that, hence, facilitate secession. These battles and deliberate misinterpretations at the level of symbols do not lead us closer to the solution of the problem since there is certainly a problem. That was all that fed the adoption as well the opposition of the Status Law and until now there is no workable international law regime for minority protection that could handle the issue on multilateral level. Thus states are coerced to unilateralism.

Finally, in international relations the endeavour to stability and to a situation without interstate conflicts is very welcome but this end can be achieved only in the short run if international institutions do not assist the reconciliation of ethnic conflicts—i.e. to reach a solution that is satisfactory for both parties—but they just freeze the problem.

⁵¹ Gál, K.: The Hungarian Legislation on Hungarians Living in Neighbouring Countries. In: Kántor–Majtényi–Ieda–Vizi–Halász (ed.): *The Hungarian Status Law... op. cit.* 400.